

FORM PTO-1390
OFFICE
(Modified)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK

ATTORNEY'S DOCKET NUMBER
90500-000051/US

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

NEW APPLICATION

EXPRESS MAIL LABEL NO.

10/533885

INTERNATIONAL APPLICATION NO.

PCT/EP2003/050809

INTERNATIONAL FILING DATE

November 10, 2003

PRIORITY DATE CLAIMED

November 8, 2002

TITLE OF INVENTION

METHOD FOR MANAGING VIRTUAL MACHINES

APPLICANT(S) FOR DO/EO/US

David SARADINI, Vincent FOURNIE, Stefan HOCHULI and Stéphane BROQUÈRE

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39 (1).
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau). **WO 2004/042575 A1**
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is transmitted herewith.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4)
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98-1449, International Search Report (PCT/ISA/210), and PTO Form 1449 enclosing four (4)) References
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

1)PCT forms

U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO		ATTORNEY'S DOCKET NUMBER																									
NEW APPLICATION 10/533885		PCT/EP2003/050809		90500-000051/US																									
21. <input checked="" type="checkbox"/> The following fees are submitted: PCT FEES – NATIONAL STAGE: <table style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Fee Code</th> <th style="text-align: left; border-bottom: 1px solid black;">Description</th> <th style="text-align: left; border-bottom: 1px solid black;">Fee</th> </tr> <tr> <td>1631</td> <td>Basic National Stage Fee.....</td> <td>\$300.00</td> </tr> <tr> <td>1632</td> <td>National Stage Search Fee.....</td> <td>\$500.00</td> </tr> <tr> <td>1633</td> <td>National Stage Examination Fee.....</td> <td>\$200.00</td> </tr> </table>				Fee Code	Description	Fee	1631	Basic National Stage Fee.....	\$300.00	1632	National Stage Search Fee.....	\$500.00	1633	National Stage Examination Fee.....	\$200.00	CALCULATIONS PTO USE ONLY													
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Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 Months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00																									
<table style="width:100%; border-collapse: collapse;"> <tr> <th style="width: 15%; text-align: center;">PAGES</th> <th style="width: 20%; text-align: center;">PAGES FILED</th> <th style="width: 20%; text-align: center;">EXTRA PAGES FILED IN 50 PAGE SEGMENTS</th> <th style="width: 15%; text-align: center;">RATE</th> <th colspan="2"></th> </tr> <tr> <td>Total Pages</td> <td>14 - 100 =</td> <td style="text-align: center;">0</td> <td>X 250.00</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">0.00</td> </tr> </table>						PAGES	PAGES FILED	EXTRA PAGES FILED IN 50 PAGE SEGMENTS	RATE			Total Pages	14 - 100 =	0	X 250.00	\$	0.00												
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MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$	0.00																								
TOTAL OF ABOVE CALCULATIONS =				\$ 1130.00																									
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ <565.00>																									
SUBTOTAL =				\$ 565.00																									
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 Months from the earliest claimed priority date (37 CFR 1.492(f)).				\$																									
TOTAL NATIONAL FEE =				\$ 565.00																									
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$																									
TOTAL FEES ENCLOSED =				\$ 565.00																									
				Amount to be:	\$																								
				refunded																									
				charged	\$																								

a. ☒ A check in the amount of \$ 565.00 to cover the above fees is enclosed.
 b. ☐ Please charge my Deposit Account. No. 08-0750 in the amount of \$ to cover the above fees.
 A triplicate copy of this sheet is enclosed.
 c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-0750.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

Send all correspondence to:
Harness, Dickey & Pierce, P.L.C – Customer No. 30593
Post Office Box 8910
Reston, Virginia 20195

Date: May 5, 2005

By
 Donald J. Daley, Reg. No. 34,313

DJD/let